

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 11/01/12	NEED RESPONSE BY: ASAP
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Marin County	
3. PHONE NO.:	7. SUBJECT: Income	
4. REGULATION CITE(S): MPP 63-502.1, 63-502.2	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Are the monies taken from the claimant's paycheck for a 403(b) pension excluded as income? The claimant does not have a loan currently involving this pension account.

The claimant's lawyer cited 7 CFR 273.9(c)(1) which states: "Any gain or benefit which is not in the form of money payable directly to the household" is to be excluded from gross income for the food stamp program.

10. REQUESTOR'S PROPOSED ANSWER:

According to MPP 63-502.11, 63-502.12, and the claimant's argument the criteria for an exemption is not met.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

**Income Definition**

MPP 63-502.11 states gross income shall include according to MPP 63-502.111 all income from whatever source, except as specified in Section 63-502.12 and excluding only those items in Section 63-502.2. All income per MPP 63-502.112 shall include all earned income as specified in MPP Section 63-502.13 and all unearned income as specified in MPP Section 63-502.14. A 403(b) pension contribution is not considered excluded from gross income.

### FOR CDSS USE

DATE RECEIVED:

11/01/12

DATE RESPONDED TO COUNTY/ALJ:

11/05/12